



**EMFULENI
LOCAL MUNICIPALITY**

Vaal River City, the Cradle of Human Rights

TARIFF BY-LAWS TO GIVE EFFECT TO TARIFF POLICY

TARIFF BY-LAWS

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PREAMBLE

WHEREAS Section 156(2) of the Constitution of the Republic of South Africa a municipality may make and administer by-laws for the effective administration of the matters which it has the right to administer;

WHEREAS Section 160(6) of the Constitution of the Republic of South Africa a municipal council may make by-laws which prescribe rules and orders for-

- its internal arrangements;
- its business and proceedings; and
- the establishment, composition, procedures, powers and functions of its committees.

WHEREAS of section 74 of the Local Government: Municipal Systems Act, 2000 (No 32 of 2000), a municipality must adopt and implement a tariff policy on the levying of fees for municipal services provided by the municipality itself or by way of service delivery agreements and which complies with the provisions of this Act, the Local Government: Municipal Finance Management Act, 2003 (No. 56 of 2003) and any other applicable legislation and.

WHEREAS section 75 of the Local Government: Municipal Systems Act, 2000 (No 32 of 2000) requires a municipal council to adopt by-laws to give effect to the implementation and enforcement of its tariff policy.

NOW THEREFORE BE IT ENACTED by the Council of Emfuleni Municipality, as follows:

1. DEFINITIONS

In this by-law, any word or expression to which a meaning has been assigned in the Constitution of the Republic of South Africa, Local Government: Municipal Systems Act, 2000 (32 Of 2000), as amended and the Local Government: Municipal Finance Management Act, (No. 56 of 2003), as amended shall bear the same meaning unless the context indicated otherwise.

“by-law” means legislation passed by the council of a municipality binding in the municipality on the persons to whom it applies;

“municipality” means the municipal council for the municipal jurisdiction area of Emfuleni Local Municipality;

“municipal council or “council” means a municipal council referred to in section 157(1) of the Constitution and

“tariff policy” means a policy on the levying of fees for municipal services provided by the municipality itself or by way of service delivery agreements and which complies with the provisions of sections 74 of the Local Government: Municipal Systems Act, 32 of 2000, as amended and adopted and implemented by the Council of the municipality from time to time.

2. OBJECTS

The object of this by-law is to give effect to the implementation of the Tariff Policy as contemplated in section 74 of the Local Government: Municipal Systems Act, 2000 as amended.

3. ADOPTION AND IMPLEMENTATION OF TARIFF POLICY

3.1 The municipality shall adopt and implement a tariff policy consistent with the Local Government: Municipal Systems Act, 2000 (No. 32 of 2000), as amended, on the levying of fees for municipal services provided by the municipality itself or by way of service delivery agreements, and which complies with the provisions of this Act.

4. CONTENTS OF TARIFF POLICY

The municipality's tariff policy shall inter alia:

4.1 Apply to all the levying of fees for municipal services provided by the municipality itself or by way of service delivery agreements, and which complies with the provisions of this Act pursuant to the adoption of the municipality's annual budget;

4.2 Comply with the requirements for:-

- 4.2.1 the adoption and contents of a tariff policy specified in section 74 of the Local Government: Municipal Systems Act, 2000 (No. 32 of 2000), as amended and
- 4.2.2 Provide for principles, criteria and implementation measures consistent with the Local Government: Municipal Systems Act, 2000 (No. 32 of 2000), as amended, and the Local Government: Municipal Finance Management Act, 2003 (No. 56 of 2003) on the levying of fees for municipal services provided by the municipality itself or by way of service delivery agreements.

5. ENFORCEMENT OF TARIFF POLICY

The municipality tariff policy shall be enforced through the Credit Control and Debt Collection Policy and any further enforcement mechanisms stipulate in relevant legislation.

6. SHORT TITLE AND COMMENCEMENT

This By-Law is called the Municipal Tariff By-law, and give effect to the Tariff Policy.